

SUPERIOR COURT
OF THE
STATE OF DELAWARE

FRED S. SILVERMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 North King Street, Suite 10400
Wilmington, DE 19801-3733
Telephone (302) 255-0669

July 19, 2010

(VIA E-FILED)

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Submitted: July 15, 2010
Decided: July 19, 2010

RE: *Kathleen Peters v. Drew Marshall, et al.*
C.A. No. 08C-10-103 FSS

Upon Plaintiff's Motion for New Trial – DENIED

Dear Counsel:

Plaintiff presented ample evidence that her collision with Defendant was his fault. That includes Defendant's agreeing that his father would pay a voluntary assessment on his behalf. Defendant, however, explained how his car unavoidably slid into Plaintiff's, and why he went along with his father's paying the ticket. While the jury could have easily sided with Plaintiff, Defendant's testimony provided

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evidence from which the jury could, and did, find in his favor.

As you know, when it comes to a motion for new trial, the court must view the evidence in a reasonable light most favorable to the verdict. Here, Defendant's testimony was enough. Moreover, as Defendant observes in his response to the motion, nothing happened during the trial that supports a finding that the verdict was based on passion, prejudice, or mistake on the jury's part.

In summary, this was a relatively simple trial. Basically, both drivers told their side to the jury, and each was cross-examined. The verdict on liability reflects the jury's collective, reasonable assessment of the testimony.

For the foregoing reasons, Plaintiff's Motion for New Trial is **DENIED**.

IT IS SO ORDERED.

Very truly yours,

/s/ Fred S. Silverman

FSS:mes
oc: Prothonotary (Civil)